

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 14-3872-cr Caption [use short title] _____

Motion for: an extension of time

Set forth below precise, complete statement of relief sought:

US v. HILL

An order extending the time to file a petition for rehearing or for rehearing en banc by 30 days,

until September 16, 2016.

MOVING PARTY: ELVIN HILL

☐ Plaintiff

☒ Defendant

☒ Appellant/Petitioner

☐ Appellee/Respondent

OPPOSING PARTY: UNITED STATES OF AMERICA

MOVING ATTORNEY: YUANCHUNG LEE, ESQ.

OPPOSING ATTORNEY: AMY BUSA, ESQ.

[name of attorney, with firm, address, phone number and e-mail]
Federal Defenders of New York, Inc., Appeals Bureau

52 Duane Street, 10th Floor

New York, New York 10007

(212) 417-8742 yuanchung_lee@fd.org

Assistant United States Attorney, Eastern District of New York

271 Cadman Plaza East

Brooklyn, New York 11201

(718) 254-6274

Court-Judge/Agency appealed from: MATSUMOTO, J., U.S.D.J./E.D.N.Y.

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes

☐ No

(explain): _____

Opposing counsel's position on motion:

☒ Unopposed

☐ Opposed

☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes

☒ No

☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

☐ Yes

☐ No

Has this relief been previously sought in this Court?

☐ Yes

☐ No

Requested return date and explanation of emergency: _____

Is oral argument on motion requested?

☐ Yes

☒ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes

☒ No

If yes, enter date: _____

Signature of Moving Attorney:

Yuanchung Lee

Digitally signed by Yuanchung Lee
Date: 2016.08.11 14:36:42 -0400

Date: 8/11/16

Service by: ☒ CM/ECF

☐ Other [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED** **DENIED**.

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____

By: _____

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X

UNITED STATES OF AMERICA : DECLARATION

- v - : Docket No. 14-3872-cr

ELVIN HILL, :

Appellant. :

-----X

YUANCHUNG LEE declares under penalty of perjury, pursuant to
28 U.S.C. § 1746, as follows:

I am an attorney with the Federal Defenders of New York, Inc., Appeals Bureau, which is counsel to appellant Elvin Hill. With the Government's consent, I make this declaration in support of a motion for an order extending the time to file a petition for rehearing or for rehearing en banc by 30 days, until September 16, 2016.

On August 3, 2016, the Court issued an opinion and summary order in this case affirming Mr. Hill's conviction and sentence. I was out-of-town on vacation at that time and did not return to the office until today, August 11th.

Because of pressing work on other matters, including some that arose during my absence, I will not be able to work on a petition for rehearing or for rehearing en banc in this case for at least three weeks. For instance, I have an oral argument before this Court on August 24th in one case (United States v. Eduar Arqueta-Rodriguez, No. 15-2769), and a brief due on September 1st in another

case (United States v. Miguel Suarez-Martinez, No. 16-1099). I also have briefs due on August 19th in two § 2255 cases pending in the Southern District of New York.

Accordingly, I request an extension of 30 days from the 14-day limit set forth in Rule 40(a) of the Federal Rules of Appellate Procedure to submit a petition for rehearing or for rehearing en banc. That date, by my calculation, is September 16, 2016.

The Government, by Assistant United States Attorney Amy Busa, consents to this request.

WHEREFORE, it is respectfully requested that this Court issue an order extending the time for submitting a petition for rehearing or for rehearing en banc to September 16, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: New York, New York
August 11, 2016

/s/
YUANCHUNG LEE

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Motion and Declaration has been served by ECF on the United States Attorney/E.D.N.Y.; Attention: **AMY BUSA**, Assistant United States Attorney, U.S. Attorney's Office, 271 Cadman Plaza East, Brooklyn, NY 11201

Dated: New York, New York
August 11, 2016

/s/
YUANCHUNG LEE